

P20961.A03

by the Official Draftsperson on a Form PTO-948. The Examiner is thus requested to indicate that Applicants' drawings are acceptable in the next Official Action.

Claims 1-12 are currently pending and Applicants respectfully request reconsideration and withdrawal of the rejections, and an early indication of the allowance of claims 1-12. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claims 1, 2, and 4-12 under 35 U.S.C. § 103(a) as being unpatentable over NAKAMURA (U.S. Patent No. 6,224,397) in view of MURAKAMI (U.S. Patent No. 6,354,846). The Examiner takes the position that NAKAMURA discloses an electrical connector housing 11 comprising a first shell 21, a second shell 22, connector mounts 27, fuse or relay mounts 28, circuitry 20, and busbar stack 23, but fails to disclose the particular material of the busbars. The Examiner contends that it would have been obvious to form the busbars of the NAKAMURA device of a copper alloy as taught by MURAKAMI since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as an obvious matter of design choice.

The Examiner has further rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over NAKAMURA in view of MURAKAMI as applied to claims 1, 2, and 4-12, and further in view of HARA (U.S. Patent No. 5,578,008), FAJT (U.S. Patent No. 4,439,801), or PUGH et al. (U.S. Patent No. 4,415,830). The Examiner takes the position

P20961.A03

that the MURAKAMI patent discloses a copper alloy, but fails to show a resilient conductor made of iron. The Examiner contends that it would have been obvious to make the conductor of the NAKAMURA and MURAKAMI device of iron as taught by HARA, FAJT, or PUGH et al. because copper and iron are interchangeable conductive elements. The Examiner further states that official notice is taken that it is a scientific fact that iron is stronger than copper and thus a person having ordinary skill in the art would know to use iron over copper for a stronger conductor.

However, it is pointed out that the NAKAMURA (U.S. Patent No. 6,224,397) patent does not qualify as prior art against the present application for purposes of a rejection under 35 U.S.C. § 103(a) due to common ownership with the present application. See 35 U.S.C. § 103(c). It is noted that the NAKAMURA patent issued from U.S. Application No. 09/495,000 which was filed on January 31, 2000, prior to the filing date of the present application on August 23, 2001, and prior to the 35 U.S.C. § 119 priority date of the present application which is August 24, 2000. However, since the NAKAMURA patent issued on May 1, 2001, the rejection of claims 1, 2, and 4-12 under 35 U.S.C. § 103(a) over NAKAMURA in view of MURAKAMI and the rejection of claim 3 under 35 U.S.C. § 103(a) over NAKAMURA in view of MURAKAMI and further in view of HARA, FAJT, or PUGH et al. are based on NAKAMURA being available as prior art under 35 U.S.C. § 102(e).

However, the present application and the NAKAMURA patent (U.S. Patent No. 6,224,397) were, at the time the invention of the present application was made, commonly owned by SUMITOMO WIRING SYSTEMS, LTD. It is noted that an Assignment of the invention of the present U.S. Application No. 09/934,468 to SUMITOMO WIRING SYSTEMS, LTD. was recorded at Reel 012116, Frame 0112 on August 23, 2001. Therefore, the rejection of claims 1, 2, and 4-12 under 35 U.S.C. § 103(a) as being unpatentable over NAKAMURA in view MURAKAMI and the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over NAKAMURA in view of MURAKAMI and further in view of HARA, FAJT, or PUGH et al. are improper at least due to the unavailability of the NAKAMURA patent as prior art pursuant to the provisions of 35 U.S.C. § 103(c). Accordingly, the withdrawal of such rejections is respectfully requested.

Accordingly, Applicants respectfully request reconsideration and withdrawal of all the rejections, and an early indication of the allowance of claims 1-12.

#### SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present response is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-12.

P20961.A03

Accordingly, consideration of the present response, reconsideration of the outstanding Official Action, and allowance of all of the claims in the present application are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,  
Tatsuya OKA et al.

Will. E. Lydell Reg. No.  
Bruce H. Bernstein 41,568  
Reg. No. 29,027

October 2, 2002  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 Roland Clarke Place  
Reston, Virginia 20191  
(703) 716-1191